



Rahm Emanuel
Mayor

Department of Police · City of Chicago
3510 S. Michigan Avenue · Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

27 March 2019

Todd Feathers
67201-84892163@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P468854

Dear Mr. Feathers:

The Chicago Police Department ("CPD") is in receipt of your Freedom of Information Act (FOIA) request for the following:

..."Copies of any comprehensive firearm trace analysis reports provided to your department by the Bureau of Alcohol, Tobacco, Firearms, and Explosives since Jan.1, 2010"...

Your request was reviewed by the undersigned. Information regarding the original point of purchase for all firearms is maintained by the United States Department of Justice's Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This type of information that gun dealers must report to the Federal government is commonly referred to as "gun trace information". Although, a limited number of members of the Chicago Police Department's Firearm Investigations Team do have access to ATF's firearms tracing database for criminal investigations that information is exempt under FOIA 5 ILCS 140/7(1)(d-5) which states "A law enforcement record created for law enforcement purposes contained in a shared electronic record management system if the law enforcement agency that is the recipient of the request did not create the record, did not participate in or have a role in any of the events which are the subject of the record, and only has access to the record through the shared electronic record management system". As firearm trace information is solely the purview of the ATF and the Department only has limited access to this information, this information is exempt from FOIA.

Gun trace information is additionally exempt from FOIA under 5 ILCS 140/7(1)(a) which states "Information specifically prohibited from disclosure by federal or State law or rules and regulations implementing federal or State law. " Representative Todd Tiahrt sponsored a rider to the Consolidated Appropriations Act of 2003, which stated in relevant part that "[n]o funds appropriated under this Act or any other Act with respect to any fiscal year shall be available to take any action based upon any provision of [the Freedom of Information Act] with respect to records collected or maintained pursuant to [the GCA] or provided by...law enforcement agencies in connection with...the tracing of a firearm." These annual additions to the appropriation bills became known as the "Tiahrt Amendments" which in the years to follow have also made gun trace information unavailable for municipalities and other third parties to build cases against gun manufacturers and dealers in civil lawsuits. FY2008 Tiahrt language stated "in fiscal year 2008 and thereafter" which made the limitation permanent, or at least until Congress takes action to repeal.

Therefore, all information pertaining to weapons sales within the United States are solely under the purview of the ATF, including the request information as to comprehensive firearm trace analysis reports. For the aforementioned reasons, CPD has denied your request in full.

¹ Pub. L. No. 108-7, § 644, 117 Stat. 11, 473 (2003).

If I can be of further assistance, please contact me at the following address:

Chicago Police Department
Attention: Freedom of Information
Office of Legal Affairs, Unit 114
3510 S. Michigan Avenue
Chicago, IL 60653

You have the right to have a denial reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 S. Second St., Springfield, IL 62706, (877)299-3642. You also have the right to seek judicial review of your denial by filing a lawsuit in the Cook county Circuit Court under 5 ILCS 140/11.

Sincerely,

M. Acosta
Freedom of Information Act Officer
Department of Police